

Von: Klaus Zinser [REDACTED]
Betreff: The Rule of Law - Malta, UK, European Union - Parental Relationships
Datum: 15. November 2017 um 08:22
An: rainer WIELAND Mr. rainer.wieland@europarl.europa.eu



Dear rainer WIELAND,

as a German father of a child born in Malta in 2004 I always tried to keep contact. The Maltese mother tried everything possible to stop contact between father and child.

When I came to Malta to see my child it happened regularly that I did not see my child as the mother said she was not informed or the child was sick. Nevertheless, after two countrywide searches, when she was hiding the child, there was a lot of hope that the Maltese courts had finally recognized that there should be a paternal relationship between father and child.

End of 2008 the mother said she wants to leave Malta for studying in UK. On [REDACTED] June 2009 the mother was allowed to go for one year to UK. Immediately after UK arrival the contact between father and child has stopped. The mother had given a wrong address and was in hiding. Even after she was found, the UK recognized Maltese contact orders were not enforced. Soon afterwards the father had to stop the horrible expensive UK lawyers as he could not afford them.

As the father suspected there must be something wrong in the application of EU law, in April 2010 the father contacted the EU Commission DG Justice including Martin Selmayr and the Justice commissioner Viviane Reding. Factually they denied and did nothing. There are FOI requests to proof this.

As the child did not return and after more than one year of no paternal contact, the child was returned as a The Hague abduction case to Malta. It was paid by UK legal aid (51600 GBP).

End of 2011 the mother had been allowed again to take the child to UK. Again she did not return. So there was the second the Hague child abduction because of no return. UK High court again did not enforce the Maltese contact orders. Seeing the first return and the ignorance of the Judge [REDACTED] in allowing the mother again going to UK he did not return the child again.

In June 2013 and against the will of the father, UK court [REDACTED] took jurisdiction of the case from Malta to UK. After a psychological test of the parents UK court put the retired medical doctor [REDACTED] from Anna Freud Institute to enable paternal contact. Between End of 2013 and end of 2014 he was only willing to enable less than 1 hour contact every three months for what the father travelled to UK. Not even contact at the second day was possible. The UK High court Judge [REDACTED] ignored the requests of the father for more contact.

Further UK High Court of Appeal has corrected one Court Order but denied the permission to appeal for two other applications of the father. [REDACTED]. Even worse, the request to transfer the case to the EU Court of Justice was rejected in saying '...as being completely out of merits and therefore it was not allowed to appeal against it'.

But not only the EU commission, who had been involved since 2011 failed. Also the EU parliament, who had heard the PETI Petition 1229/2013 initially in March 2014 gave promises but did nothing. After a complaint to Martin Schulz the PETI chair Cecilia Wikström closed the petition in Dezember 2014.

It may be noted that the EU court for Human Rights in Strasbourg rejected the case twice in what they do for 97-98% of all cases coming from UK and Germany. They did not even allow me to see the court files.

In trying to bring the case to the EU General Court, step by step the father had contacted five lawyers in Malta between 2014 and 2017. They all rejected to bring the case to the Maltese family court. When the Maltese Family court gave a passport to the mother for the child traveling the father was not even notified neither he got the court decision. The Maltese Judge [REDACTED] has made a decision completely in hiding.

So right now we have the situation that the German Father has not seen his child since December 2014. Neither he has any information about his currently 13 year old child. It may be noted that this child has been last in his home country Malta in 2011 after the child abduction return. Nevertheless i his life he has seen his paternal relatives.

A few months ago, when the mother has informed the father that their son will be for a few days in Italy, the father went to UK to see where his child lives. This because he is not allowed to go to the school neither to the home address whilst the child is there. Even more worrying, when the father came to UK, mother and stepbrother were in UK. So there was the question with whom the 13 year ol child is traveling during school holidays?

A few weeks ago, when the mother has informed the father that their child will again travel to Spain the father was immediately after arrival in Birmingham put into detention/prison not only for the official 24 but instead for 68 hours without any warning. The mother had made allegations of harassment and there is a court hearing in UK in February 2018. There was no violence. There was no shouting. There was no tracking of the mother. The only allegation is that the father, after he has been traveling to UK has been several times near the house where his child lives. Trying to get an impression on the circumstances of his childs life.

As Brexit is coming near but also because there are investigations on the rule of law in Malta I hereby request:

- immediate and proper contact with my child outside UK either in Germany or in Malta
 - getting a Maltese Lawyer who request the court case to the EU court of justice for a preliminary ruling on the interpretation of Eu law with the question:
 - Was UK allowed to take jurisdiction of the case after they have never enforced UK registered EU wide valid child contact orders.
- Further. according to the
EU charter of Fundamental rights: Article 24 The rights of the child

3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless

that is contrary to his or her interests.

-> How has this contact between parent and child to be implemented ?

From UK i would like to know for what reason a father is put into prison for 68 hours. For what reason to UK police wanted to access all his telephone and computer equipment?

- when will the child mediator be back to operation?

- I also request a legal guide in helping

- also I request that all petitions re UK Cafcass and German Jugendamt will be reviewed. Maybe the LBGTI intergroup is happy with Mrs Wikström. But there are a lot of EU citizens and especially parents who are not happy with the work of Mrs Wikström and the petition committee.

To see how EU law is broken and how Child parent relationships are destroyed here my case.

(1) <https://archive.org/details/20140319PetitionSpeechDiscussion12292013EN>

(2) <https://archive.org/details/20141111BrusselsPetition12292013KZCompleteEN>

(3) <https://archive.org/details/20151001REBitteUmGesprachsterminMitHerrnMartinSchulzPersoonlichOCRDarkened>

(4)

<https://archive.org/details/20160216PETIDocumentsJosHeezenREStatusRequestForDocumentsRe12292013UaMartinSchulzOCRDDarkenedUpI>

(5) <https://archive.org/details/20151203EuropeanParliamentPetitonSpeechDiscussion12292013EN>

(6) <https://archive.org/details/20151022EUOmbudsmanEmilyOReillyBrusselsSpeechQA>

(7) <https://archive.org/details/20160119EchrApplicationRejectedLaffertyOcrDarkened>

(8) https://archive.org/details/20160322_ECHR_Application_6235_16_Rejected_Lafferty_OCR

(9) http://www.echr.coe.int/Documents/Stats_analysis_2015_ENG.pdf

(10) http://www.echr.coe.int/Documents/Stats_analysis_2016_ENG.pdf

(11) <https://rightsinfo.org/4-charts-which-show-the-european-court-of-human-rights-has-dramatically-changed-its-approach-to-the-uk/>

Feel free to contact me.

Kind regards,
Klaus Zinser

With best regards,
Klaus Zinser

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